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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DEMETRIUS WARE,

13 Defendant.

Case No.: 2:20-cr-00029-RFB-BNW

**UNOPPOSED MOTION TO
CONTINUE HEARING ON
REVOCATION OF PRETRIAL
RELEASE**

15 The United States of America, by and through Assistant United States Attorney
16 Brett Ruff, hereby moves to continue the pretrial revocation hearing in the above-captioned
17 case, which currently is scheduled for July 23, 2020 at 2:00 p.m., by 21 days to a time and
18 date acceptable to the Court. Assistant Federal Public Defender Brandon Jaroch,
19 representing defendant Demetrius Ware, does not oppose this motion. This is the second
20 request to continue the hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

On February 19, 2020, Ware was charged in a federal indictment with (1) Prohibited Person in Possession of a Firearm and (2) Possession of a Firearm in a School Zone. Ware made his initial appearance before the Hon. Brenda Weksler on February 21, 2020 and was released on a personal recognizance bond, subject to certain conditions.

On May 2, 2020, Ware was arrested by the Henderson Police Department and charged with Own or Possess a Firearm by Prohibited Person. Ware is scheduled to be arraigned on that charge on July 1, 2020 in Henderson Justice Court.

On May 29, 2020, the U.S. Pretrial Services Office alerted the Court to Ware's potential violation of his pretrial release conditions.

On June 17, 2020, Ware made his initial appearance in relation to a potential violation of his pretrial release conditions. The Hon. Elayna Youshah ordered that defendant be released pending the hearing on revocation of pretrial release and imposed a new condition of pretrial release: “The defendant is not [to] be in association with any individual who posses[es] a firearm, destructive device or other dangerous weapons.” ECF No. 26 at 4.

On or about June 20, 2020, Ware was arrested by the Las Vegas Metropolitan Police Department and charged with Obstructing / Providing False Information to a Police Officer. It is the government's understanding that Ware pleaded nolo contendere to that charge and was sentenced to 45 days imprisonment. It is the understanding of the government and AFPD Jaroch that Ware still is serving that sentence.

Given that Ware still is serving his sentence, he will not be able to appear at the pretrial revocation hearing in this case that currently is scheduled for July 23, 2020 at 2:00

1 p.m. The government therefore respectfully requests that the hearing be continued by 21 days
2 to enable Ware to finish his sentence and appear for his revocation hearing.

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4 DATED: July 22, 2020

5 NICHOLAS A. TRUTANICH
6 United States Attorney

7 By /s/ Brett Ruff
8 BRETT RUFF
9 Assistant United States Attorney